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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,759	08/18/2003	Michael K. Barnoski	1125/206	3922

26588 7590 11/10/2004

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EXAMINER

NASRI, JAVAID H

ART UNIT PAPER NUMBER

2839

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,759	Applicant(s) BARNOSKI ET AL.	
	Examiner Javaid Nasri	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 95-141 is/are pending in the application.
- 4a) Of the above claim(s) 99-102, 114, 117-129 and 135 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95-98, 103-113, 115, 116, 130-134 and 136-141 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see attached (5)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Specie IV, figures 22 and 23 in the reply filed on 10/29/2004 are acknowledged.

Note: Applicant did not specify the claims, which reads only on elected figures 22 and 23.

Therefore, claims 99-102, 114, 117-129 and 135 are withdrawn by the examiner for further consideration because these claims do not read on elected figures 22 and 23.

Specification

2. The disclosure is objected to because of the following informalities:
 - a) On page 1, line 12, applicant have not specified any relationship of application 10/620,851, filed on July 15, 2003 with this application. Whether, it is a continuation, Continuation in parts or divisional etc.
 - b) On page 3, line 23, applicant have referenced an application without giving the serial number. Please note this issue is at several places throughout the specification.

Note: These are few examples only. Applicant is required to check the entire disclosure and correct the disclosure accordingly.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 95 and 136-138 are rejected under 35 U.S.C. 102(b) as being anticipated by Ochiai et al (5,647,042).

Ochiai et al discloses, **for claim 95**, a ferrule having a body made of metal (see col. 7, line 55) defining at least a bore for supporting an optical fiber; and a sleeve (24, 24c) sized and shaped to receive the ferrule and to couple to the connection device, so as to align the ferrule and the optical fiber supported by the ferrule relative to the connection device, **for claim 136**, a first ferrule (2) having a metal body (see col. 7, line 55) supporting the first optical fiber (1); a second ferrule (5a) having a metal body (see col. 7, line 55) supporting the second optical fiber (4); a common sleeve (5b) sized and shaped to receive the first ferrule and the second ferrule, so as to align the first ferrule relative to the second ferrule, and the first optical fiber relative to the second optical fiber, **for claim 137**, at least one of the first and second ferrules comprises first and second half ferrules (see figure 21, 23) that together define a bore sized and shaped to receive respective one of the first and second optical fibers, **for claim 138**, the common sleeve has a first end receiving the first ferrule, an a second end receiving the second ferrule,

5. Claims 95-98, 103-111, 115, 130-134 are rejected under 35 U.S.C. 102(b) as being anticipated by Karlovich (5,037,328).

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Karlovich discloses, **for claim 95**, a ferrule having a body made of metal (see col. 6, lines 26-34) defining at least a bore **for** supporting a cable (See note below); and a sleeve (24, 24c) sized and shaped to receive the ferrule and to couple to the connection device, so as to align the ferrule and the optical fiber supported by the ferrule relative to the connection device, **for claim 96**, the body is characterized by a metal structure that is formed by a stamping process (see col. 2, lines 62-67), **for claim 97**, the body of the ferrule has a cross-section that is generally uniform for an entire length of the body, **for claim 98**, the body of the ferrule has a cross-section that is generally at least one of circular, partially circular, **for claim 103**, the ferrule includes at least one of a groove and a protrusion on its external surface and the sleeve includes at least one of a complementary protrusion or groove (see marked figure 1, attached), **for claim 104**, the ferrule comprises a first ferrule half and a second ferrule half (top and bottom portions, see figure 1), **for claim 105**, the first ferrule half and the second ferrule half are maintained in a mating relationship by the sleeve (see figure 1), **for claim 106**, the first ferrule half has a structure that is substantially similar to that of the second ferrule half, each provided with at least a groove, which together define the bore for supporting the optical fiber, (see marked figure 1, attached), **for claims 107-111**, the first ferrule half and the second ferrule half are each characterized by a structure that is formed by a stamping process (see col. 2, lines 62-67), **for claims 115**, matching grooves (see figure 1), **for claim 116**, first ferrule half and the second ferrule half are connected at an edge (see figure 1, completely round), **for claim 130**, the first ferrule half and the second ferrule half each has a hollow body structure facing each other (see figure 1), **for claim 131**, the sleeve is made of metal, and is characterized by a structure that is formed by a stamping process (see col. 6, lines 26-34), **for claim 132**, the sleeve has a cross- section that is characterized by a

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loop formed by stamping from a generally flat material (see col. 6, lines 26-34 and figure 1), **for claim 133**, the sleeve has a structure that includes a split (between 112 and 114) along an axial direction, **for claim 134**, the sleeve has a cross- section that is generally uniform,

Note: Regarding “**for supporting an optical fiber**” in Apparatus, Article and Composition Claims, Intended Use Language Must Result in a Structural Difference to Patentably Distinguish Over the Prior Art. See MPEP § 2111.02, 2112, & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al in view of Lessar et al (5,902,326).

Ochiai et al discloses all the limitations of claim 95 and, as shown above.

However, Ochiai et al does not disclose,

- a) The body (ferrule) is formed by a stamping process. Lessar et al discloses ferrule is formed by a stamping process (see claim 22), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Ochiai et al to have the ferrule being formed by a stamping process in view of Lessar et al for economical purpose.

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8. Claims 139-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al in view of Lessar et al (5,902,326).

Ochiai et al discloses a first component (2) configured to support a first optical fiber (1), comprising a first body defining a first bore for supporting the first optical fiber, a second component (5a) configured to support a second optical fiber (4), comprising a second body defining a second bore for supporting the second optical fiber, and a third component (5b) configured to axially align the first component and the second component, so that the first optical fiber is aligned with the second optical fiber,

However, Ochiai et al does not disclose,

- a) The components are formed by a stamping process. Lessar et al discloses components are formed by a stamping process (see claim 22), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Ochiai et al to have the components being formed by a stamping process in view of Lessar et al for economical purpose.

9. Claims 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlovich.

Karlovich discloses all the limitations of claims 95, 96, 104, 107, 109 and 111, as shown above,

However, Karlovich does not disclose:

- a) The two ends are attached by welding or adhesive. Official notice is taken that to attach two ends by welding or adhesive is well known in the art, therefore, it would have been obvious to one of ordinary skill in the art, at

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the time of the invention for Karlovich to have two ends attached by welding or adhesive to have permanent attachment.

Contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

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Or faxed to: 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (receptionist)

2201 South Clark Place, Arlington, Virginia



Javaid Nasri
Primary Examiner
Art Unit 2839

JN
jhn

November 8, 2004